

## **REMARKS**

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed July 1, 2004. Claims 1-23 were rejected. The claims have been amended to address the concerns raised by the Examiner.

Claims 1-23 were originally presented. Claims 1, 3-11, and 13-23 remain in the application. Claims 2 and 12 have been canceled without prejudice. Claims 1, 4, 10, 14, 20, 22, and 23 have been amended. No new matter has been added.

Claims 1 and 10 have been amended without adding new matter to specify “a bag of permeable net material.” This amendment has been made to provide proper antecedent basis for the “net material” terminology of claims 4 and 14, respectively.

Claims 4 and 14 have been amended without adding new matter to remove the term “generally linearly” in relation to the length measuring scale. This amendment is for greater clarity, and does not narrow the scope of the claims. While the scale is a length scale, it is disposed on the surface of the net bag, which is flexible and typically curved. The word “linear” could be misinterpreted to suggest that the claims are limited to scales that are on straight or non-curved surfaces. Such is not the case.

### **Claim Rejections - 35 U.S.C. § 102**

Claims 1, 3, 10-11, 13, 22, and 23 (including independent claims 1, 10, 22, and 23) were rejected under 35 U.S.C. § 102(b) as being anticipated by Bremer. The Applicant respectfully submits that Bremer does not teach each and every limitation of independent claims 1, 10, 22, and 23, and therefore does not anticipate those claims. Specifically, independent claims 1, 10, 22, and 23 all specify an “elongate fastener . . . extending along the upper end of the bag.” Bremer does not disclose an elongate fastener extending along an upper end of a bag. Rather, Bremer discloses a plurality of fasteners disposed at radial locations along a rim of strainer device. None of these are an elongate fastener. Accordingly, Applicant respectfully submits that

independent claims 1, 10, 22, and 23 as now presented are allowable over Bremer, and claims 3, 11 and 13 are allowable as being dependent upon an allowable base claim.

Claims 1-3, 10-13, 22, and 23 (including independent claims 1, 10, 22, and 23) were rejected under 35 U.S.C. § 102(b) as being anticipated by Baker. Independent claims 1, 10, 22, and 23 have each been amended to specify that the elongate fastener has “opposing portions, extending along the upper end of the bag, the opposing portions being configured to wrap around the hoop-shaped portion and attach to each other to releasably secure the upper end of the bag to the hoop-shaped frame portion.” Baker does not teach or suggest such structure. The fastener of Baker includes a “deformable tubular cover” having ribs that contact the frame, but does not have opposing portions that connect to each other. The Examiner has pointed to no portion of the Baker reference that would suggest the use of fasteners that connect opposing sides together. Accordingly, Applicant respectfully submits that independent claims 1, 10, 22, and 23 are allowable over the cited art, and claims 2-3, 11-13 are allowable as being dependent upon an allowable base claim.

Independent claims 21 was rejected under 35 U.S.C. § 102(b) as being anticipated by Vieaux. The Applicant respectfully submits that Vieaux does not teach or suggest each and every element of claim 21 as originally presented. Claim 21 specifies “a zipper, extending along the flexible rim, configured to releasably wrap the rim around the hoop-shaped frame portion.” Vieaux includes a zipper, but this zipper does not extend along a flexible rim disposed on an open upper end of a net bag. Instead, the zipper of Vieaux is disposed on a side of the bag, not its open upper end. Additionally, the zipper of Vieaux is not configured to releasably wrap the rim around the hoop-shaped frame portion. Instead, the zipper of Vieaux is designed to close the front of the bag together. Accordingly, Applicant respectfully submits that claim 21 as originally submitted is allowable over the cited art, and urges the Examiner to withdraw the rejection.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 4, 6-9, 14 and 16-19 were rejected under 35 U.S.C. § 103 as being unpatentable over Bremer in view of Baker and Chat. The Applicant respectfully submits that the cited

references, when combined, do not teach or suggest all of the elements of claims 4 or 14, upon which the remainder of the claims in this group depend. Chat does not disclose a length measuring scale “disposed on a surface of . . . net material,” as claimed in claims 4 and 14 as amended. The length scale of Chat is disposed on a rigid gutter, and it appears that the gutter is attached to some sort of net. Nevertheless, the scale is not disposed on a surface of net material. The Examiner has pointed to no portion of Chat (which is presented in a foreign language) that suggests placing a length scale on net material, rather than on some other structure that may be attached to net material. Moreover, the Bremer and Baker references do not teach or suggest a length scale of any kind or configuration. Accordingly, the Applicant respectfully submits that claims 4, 6-9, 14 and 16-19 as now presented are in condition for allowance over the cited references.

Dependent claims 5 and 15 were rejected under 35 U.S.C. § 103 as being unpatentable over Bremer in view of Baker, Chat, and Weber. The Applicant respectfully submits that the cited references, when taken together, do not teach or suggest all the elements of the claims as presented. Neither Chat nor Weber teach or suggest a length measuring scale “disposed on a surface of . . . net material,” as claimed in claims 4 and 14 as amended, much less such a measuring scale “that extends from a first position adjacent the upper end of the bag, thence substantially across the closed end, to a second position adjacent the upper end of the bag and substantially opposite the first position.” Claim 5. As noted above, Chat discloses a length scale disposed on a rigid gutter. Weber discloses a length measuring scale that is extendable from the handle of a fish net. Bremer and Baker do not teach or suggest a length scale at all. Accordingly, any combination of the teachings of Baker, Bremer, Chat, and Weber, could not possibly suggest the measuring scale claimed by the Applicant. Accordingly, the Applicant respectfully submits that claims 5 and 15 as originally presented are in condition for allowance over the cited references.

Independent Claim 20 was rejected under 35 U.S.C. § 103 as being obvious in view of Baker. Claim 20 has been amended to specify that the elongate fastener has “opposing portions that wrap around the hoop-shaped portion and connect to each other.” Baker does not teach or

suggest such structure. The fastener of Baker includes a "deformable tubular cover" having ribs that contact the frame, but does not have opposing portions that connect to each other. The Examiner has pointed to no portion of the Baker reference that would suggest the use of fasteners that connect opposing sides of the tubular cover together. Accordingly, the Applicant respectfully submits that claim 20 as now presented is in condition for allowance over the cited references.

### CONCLUSION

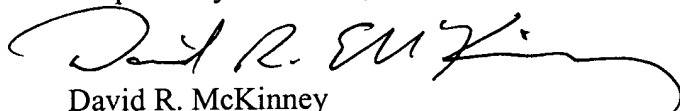
In light of the above, Applicant respectfully submits that pending claims 1, 3-11, and 13-23 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call David R. McKinney at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Two (2) dependent claims were canceled (claims 2 and 12). No new claims were added. Therefore, no additional fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 2nd day of August, 2004.

Respectfully submitted,



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